

REMARKS

This responds to the Office Action mailed on December 11, 2007.

Claims 1, 13, and 21 are amended. Claims 16-20 and 28-31 are canceled. Claims 1-15 and 21-27 are now pending in this application.

§112 Rejection of the Claims

Claims 1, 13 and 21 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement.

Applicant has amended claims 1, 13, and 21 to overcome the 35 U.S.C. § 112 rejection.

§102 Rejection of the Claims

Claims 1-31 were rejected under 35 U.S.C. § 102(e) for anticipation by Bain (U.S. 2005/0021175A1).

Applicant has cancelled claims 16-20 and 28-31 without prejudice or disclaimer.

Claim 1-12

Applicant believes claim 1 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a machine adapted to dispense the one or more filled prescription containers to the customer in response to a customer request, the customer request including a one-time use, unique code, which is specific to the prescription being filled, as recited in claim 1. In contrast, the cited reference discusses using the patient's name, telephone number, and a personal identification number. (See Para. [0060]). None of this information is a one-time use unique code, which is specific to the prescription being filled, since any of it can be reused multiple times, and none of it is specific to the prescription being filled.

Claims 2-12 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 13-15

Applicant believes claim 13 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a machine dispensing the one or more filled prescription containers to a customer in response to a customer request including a one-time use, unique code, which is specific to the prescription being filled, as recited in claim 13. Again, the cited reference discusses using the patient's name, telephone number, and a personal identification number. (See Para. [0060]). None of this information is a one-time use unique code, which is specific to the prescription being filled, since any of it can be reused multiple times, and none of it is specific to the prescription being filled.

Claims 14-15 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 21-27

Applicant believes claim 21 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a machine adapted to dispense a filled prescription container to the customer in response to a customer request including a one-time use, unique code, which is specific to the prescription being filled, as recited in claim 21. Again, the cited reference discusses using the patient's name, telephone number, and a personal identification number. (See Para. [0060]). None of this information is a one-time use unique code, which is specific to the prescription being filled, since any of it can be reused multiple times, and none of it is specific to the prescription being filled.

Claims 22-27 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 12 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bain in view of Coughlin et al. (U.S. 6,883,681).

Claims 12 and 22 include each limitation of their parent claims and are not obvious in view of the cited combination since, even if combined, the combination does not include the subject matter discussed above for the respective parent claims. Reconsideration and allowance is respectfully requested.

Claim 31 was rejected under 35 USC § 103(a) as being unpatentable over Hart et al. (U.S. 7,006,893) in view of Bain. Applicant has cancelled claim 31 without prejudice or disclaimer.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 3/11/08

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11 day of March 2008.

Name Peter R. Buffani

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Signature